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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,058	09/05/2003	Jonathan DeLine	U02-0161.36	2057

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EXAMINER

NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/605,058	Applicant(s) DELINE, JONATHAN	
	Examiner Khai M Nguyen	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 0203 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/5/03, 8/4/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The references listed in the Information Disclosure Statement filed on September 5, 2003 and August 4, 2004 have been considered by the examiner (see attached PTO-1449 form or PTO/SB/08A and 08B forms).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Holmes (U.S.Pat-2050009567) in view of White et al. (U.S.Pat-6353413).

Regarding claim 1, Holmes teaches a remote control device (RCD) (fig.1-2, element 14') comprising:

a second wireless interface for communicating with a mobile phone (fig.2, paragraph 0022, *the remote communication module 30 transmits a dialing signal toward the mobile communication device 16' based on a dialing request from the user interface 28'*);

a speaker for outputting audio signals received from the mobile phone (fig.2, paragraph 0024-0025);

a microphone for receiving audio signals to be transmitted to the mobile phone (fig.2, paragraph 0024-0025); and

a processor for processing wireless signals communicated between the RCD and the mobile phone (fig.2-3, paragraph 0028-0030), wherein the RCD:

receives a signal from the mobile phone in response to the mobile phone receiving a wireless signal from a digital cellular network (DCN) (fig.1-2, abstract, paragraph 0017, 0021); and

processes the received signal from the mobile phone (fig.2, paragraph 0018-0019).

Holmes fails to specifically disclose a first wireless interface for controlling one or more peripheral devices. However, White teaches a first wireless interface for controlling one or more peripheral devices (col.1, lines 26-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a first wireless interface for controlling one or more peripheral devices as taught by White with Holmes teaching in order to provide a universal remote control unit adapted to control virtually all household appliances.

Regarding claim 2, Holmes and white further teaches the RCD of claim 1 wherein the signal received by the RCD from the mobile phone is an audio signal used for establishing a telephone call (paragraph 0024, 0025).

Regarding claim 3, Holmes and white further teaches the RCD of claim 2 wherein processing the received signal from the mobile phone comprises using the RCD to connect to a telephone call received by the mobile phone (paragraph 0024, 0025).

Regarding claim 4, Holmes and white further teaches the RCD of claim 3 wherein the RCD transmits the audio signal received from the mobile phone to one of the one or more peripheral devices to be audibly output (paragraph 0024, 0025, see White, col.1, lines 26-39).

Regarding claim 5, Holmes and white further teaches the RCD of claim 1 wherein the signal received by the RCD from the mobile phone is a data signal selected from the group consisting of a text data signal, an audio data signal, a video data signal, and any combination thereof (paragraph 0017, 0024-0025).

Regarding claim 6, Holmes and white further teaches the RCD of claim 5 wherein the act of processing the received signal from the mobile phone comprises transmitting the data signal received from the mobile phone to one of the one or more peripheral devices to be output (paragraph 0017, 0024-0025, see White, col.3, lines 22-34).

Regarding claim 7, Holmes and white further teaches the RCD of claim 1 wherein the signal received by the RCD from the mobile phone is a data signal selected from the group consisting of an SMS message, an MMS message, and an e-mail message (paragraph 0017, 0024-0025, see White, col.3, lines 22-34).

Regarding claim 8, Holmes and white further teaches the RCD of claim 7 wherein processing the received signal from the mobile phone comprises transmitting the data signal received from the mobile phone to one of the one or more peripheral devices to be output (paragraph 0017, 0024-0025, see White, col.3, lines 22-34).

Regarding claim 9, Holmes teaches a remote control device (RCD) communicable with a mobile phone and one or more peripheral devices (fig.1-2, paragraph 0017), the RCD comprising:

means for controlling the mobile phone to (fig.1, paragraph 0017):

process signals received from the mobile phone (fig.2, paragraph 0024-0025);

output signals received from the mobile phone (fig.2, paragraph 0024-0025);

handle an incoming telephone call received by the mobile phone from a digital cellular network (DCN) (fig.1-2, abstract, paragraph 0017, 0021); and

Holmes fails to specifically disclose controlling the one or more peripheral devices such that signals received from the mobile phone can be transmitted to the one or more peripheral devices. However, White teaches controlling the one or more peripheral devices such that signals received from the mobile phone can be transmitted to the one or more peripheral devices (col.1, lines 26-39). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use as taught by White with Holmes teaching in order to provide a universal remote control unit adapted to control virtually all household appliances.

Regarding claim 10, Holmes and White further teaches the RCD of claim 9 further comprising:

processing means for processing signals received from the mobile phone (paragraph 0017, 0024-0025); a speaker for outputting audio signals received from the mobile phone (paragraph 0023-0024); and

a microphone for inputting audio signals to be sent to the mobile phone (paragraph 0023-0024).

Regarding claim 11, Holmes and White further teaches the RCD of claim 10 wherein the remote control device further comprises a user interface to control the output of data received from the mobile phone (paragraph 0023-0024).

Regarding claim 12, Holmes and White further teaches the RCD of claim 11 wherein the remote control device further comprises a video display to display video or text data received from the mobile (paragraph 0017, see white, fig.2, col.3, line 50 to col.4, line 4).

Citation of Pertinent Prior Art

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lee (U.S.Pub-20030040334) discloses Apparatus and method of interacting with a mobile phone using a TV system.

Arling et al. (U.S.Pub-20040266419) discloses System and method for monitoring remote control transmissions.

Kaars (U.S.Pat-6741684) discloses Interactive TV using remote control with built-in phone.

Parvulescu et al. (U.S.Pat-5802460) discloses Telephone handset with remote controller for transferring information to a wireless messaging device.

Beecroft (U.S.Pat-6760415) discloses Voice telephone system.

Gertner et al. (U.S.Pub-20040004603) discloses Portable computer-based device and computer operating method.

Combaluzier (U.S.Pat-5973475) discloses Remote smart battery.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on 571.272.7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Khai Nguyen
Au: 2687

5/24/2005


ELISEO RAMOS-FELICIANO
PATENT EXAMINER